

## Meeting Notes

### Evaluation of the MUN beneficial use in Agriculturally Dominated Water Bodies

September 3, 2015

9:00 AM

**Location:** Central Valley Regional Water Quality Control Board Office, 11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670: Training Room

*Attendees:*

Baker, Manock & Jensen – Loren Harlow

California Rice Commission – Tim Johnson, Roberta Firoved

California Urban Water Agencies – Elaine Archibald

Central Valley Clean Water Association – Debbie Webster

Central Valley Water Board –Anne Littlejohn, Bethany Soto (*by phone*), Cindy Au Yeung, Eric Warren (*by phone*), Jeanne Chilcott, Patrick Pulupa, True Khang

Larry Walker and Associates – Mike Troughon

San Joaquin Tributary Authority – Dennis Westcot

Robertson-Bryan Inc. – Michael Bryan

Sacramento River Joint Source Water Protection Program – Elissa Callman

State Water Resources Control Board – Diane Barkley

Tulare Lake Basin Water Storage District –Mike Nordstrom, Dennis Tristao

Turlock Irrigation District – Debbie Liebersbach

## ***Meeting Summary***

***Goal of meeting: Provide a project update and obtain stakeholder feedback on the continued development of the LIMITED-MUN beneficial use designation and the Controlled Recirculating System water body category requirements.***

### **Project Update**

- Project Update: Central Valley Water Board Staff provided a brief update on the project including:
  - Review of the Board Informational Item at the July 2015 meeting
    - Board members were supportive of the direction the project was taking but recognized the challenges that exist in balancing different issues.
  - Approval of Sacramento MUN POTW Basin Plan Amendment by State Board in August 2015
    - Regional Board staff is still waiting on the signed resolution and supporting documents from State Board.

### **Continued discussion on the development of the proposed LIMITED-MUN beneficial use designation**

- Review of a newly proposed definition and narrative water quality objective based on feedback from US EPA and State Board
  - A Proposed LIMITED-MUN Definition, option 5 was developed by staff based on US EPA and State Board comments preferring a combination of previous options 3 & 4:
    - *Uses of water for municipal and domestic supply in agriculturally dominated surface water bodies where full use is limited by inherent conditions such as intermittent flow, management to maintain intended use of constructed facility and/or constituent concentrations in source water.*
    - Stakeholder comments were as follows:
      - Use of “full” adds unnecessary complexity and can be taken out
      - Use of “inherent” and what that means
      - Management to maintain is too broad and can be construed in different ways. Management should clearly identify agricultural activities.

- Use of “intended” may not be needed. What if there are other uses that need to be considered like storm water conveyance?
  - Use of “source water” is not ideal - consider changing to just “water body” or removing.
- New definition option #5 was developed as follows: *Uses of water for municipal and domestic supply in agriculturally dominated surface water bodies where the use is limited by water body characteristics such as intermittent flow, management to maintain intended agricultural use and/or constituent concentrations in the water body.*
- A newly proposed LIMITED-MUN Water Quality Objective, option 8 was developed by staff based on US EPA and State Board feedback that the objective should reference the antidegradation policy and not specific numeric values:
  - *Water quality will be protected consistent with the state antidegradation policy and will not negatively impact any downstream beneficial uses.*
  - Stakeholder comments were as follows:
    - Use of “negatively” – change to “unreasonably” to be consistent with state antidegradation policy.
    - Downstream protection of beneficial uses is part of state antidegradation policy so it does not need to be stated again.
  - New water quality objective option #8 was developed as follows: *Water quality and downstream beneficial uses will be protected consistent with the state antidegradation policy.*

*Action Items:*

- *Anne Littlejohn will email the new options developed during the meeting for additional comments and feedback to meeting attendees – due September 21, 2015.*
- Development of the implementation program for LIMITED-MUN
  - A discussion ensued on developing an implementation program consistent with the antidegradation policy for LIMITED-MUN. Questions that need to be considered and/or comments from stakeholders were as follows:
    - Start with looking at characteristics –

- Is operation of facility consistent with intended use?
- Have they implemented best practical treatment and control.
- Is there potential for accumulation in water body that will limit full MUN use?
- Is there potential for impacting downstream beneficial uses?
- Concern over the use of “potential” – what does it mean in practice?
- Concern over the use of “source water” and what that constitutes.
- What does downstream and in-stream protection look like? An accumulation of constituents that could prevent future MUN use?
- What type of analyses are we looking at when protecting downstream MUN beneficial use?
- How do we assess cumulative impacts?
- Use of best practical treatment controls or best management practices may provide the most flexibility for addressing LIMITED-MUN water body.

*Action Items:*

- *Stakeholders will email additional comments or factors that should be considered in the implementation of LIMITED-MUN to Anne Littlejohn – **due September 21, 2015.***

**Discussion on the Controlled Recirculation System water body category**

- Review of Flow Chart 1 Water Body Categorization process and where the category fits in
  - Previous stakeholder meetings defined two types of systems – one that is seasonally closed and one that is closed year-round (as in the Tulare Lake Basin).
    - While past stakeholder interest centered on the year-round closed systems, stakeholders indicated that they *did* want to keep the seasonally-closed systems in the project, despite not having a current case study.
    - Past activities with the rice industry could serve as an example of a seasonally-closed system.
    - There was concern regarding how the beneficial use would be determined for the water bodies in a seasonally-closed system when it is no longer closed. The consensus was that the district applying for a seasonally-closed system would

also need to have their individual water bodies categorized using the Flow Chart 1 process.

- Concern was expressed regarding the inclusion of the seasonal category due to the accumulation of constituents when closed, and the release of constituents when open.
- Review of Operation Application Outline document
  - Stakeholders walked through the criteria and application outline for a recirculation system. Comments were as follows:
    - With two distinct systems, the document should be separated out into two documents to address specific issues.
    - The criteria questions could be greatly simplified. Combine the first few questions to “Are all the surface waters contained with the recirculation system boundaries year-round (or during seasonal closure)”
    - Concern that the criteria are too detailed for a closed-system like the Tulare Lake Basin, especially given that there is no downstream discharge.
    - Water quality “problems” should be changed to “concerns”
    - If an applicant says that there is no concern with the water quality in their system, will they be required to do extra monitoring to justify answer?
    - In cases where there is an emergency discharge, there should be notification to water purveyors downstream.
    - Dischargers should also monitor for constituents of concern being discharged and provide information to purveyors.
    - Others felt that notification to the Regional Board is sufficient.
    - Suggestion to add a flood control plan and monitoring program as part of the criteria to qualify as a recirculation system.

*Action Items:*

- *Anne Littlejohn will create two documents to address the two recirculation systems separately and send out to meeting attendees by September 9, 2015. Stakeholders can send back comments by September 21, 2015. Tim Johnson and Mike Nordstrom specifically agreed to address the seasonally-closed and year-round closed application outlines, respectively.*

### **Discuss Project Schedule and Future Meetings**

- Sacramento POTW Basin Plan Amendment
  - As soon as Regional Board staff receives the necessary documents from State Board, they will submit a package (Administrative Record) to the Office of Administrative Law (OAL) and US EPA. OAL has a six week review period. This is followed by the US EPA review period – which includes two months to approve the amendment and three months to not approve.
- Region-wide MUN Process Basin Plan Amendment
  - A monitoring and surveillance meeting is scheduled for Thursday September 24, 2015 in Rancho Cordova.
  - Staff is working on a draft Staff Report scheduled to be available in early part of 2016.
  - Additional stakeholder meetings will be scheduled as needed.

### ***Action Items:***

- *Anne Littlejohn will send an agenda and meeting material for the meeting on September 24<sup>th</sup> meeting by mid-September.*
- *Meeting notes for the September 3<sup>rd</sup> meeting will be posted to the website*